

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-1759

United States of America,

Appellee,

v.

Wanda Grother,

Appellant.

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* Appeal from the United States

* District Court for the

* Southern District of Iowa.

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* [UNPUBLISHED]

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Submitted: January 26, 1999

Filed: February 1, 1999

Before LOKEN, HEANEY, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Wanda Grother challenges the sentence imposed on her by the district court¹ following her guilty plea to conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846. Upon the government's motion for a downward departure under U.S. Sentencing Guidelines Manual § 5K1.1 (1998) and 18 U.S.C. § 3553(e), the district court granted a 20% departure from the bottom of the Guidelines range of 120-135 months, and sentenced Grother to 96 months imprisonment and 5 years supervised

¹The HONORABLE HAROLD D. VIETOR, United States District Judge for the Southern District of Iowa.

release. On appeal Grother argues only that the district court abused its discretion by granting no more than a 20% departure. However, we may not review the extent of a district court's downward departure under either section 5K1.1 or 3553(e). See United States v. Sharp, 931 F.2d 1310, 1311 (8th Cir. 1991); see also United States v. Dutcher, 8 F.3d 11, 12 (8th Cir.1993). Consistent with our prior order, we have reviewed the record for any nonfrivolous issues, and have found none. See Penson v. Ohio, 488 U.S. 75, 80 (1988). Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.